

Cause No. CV62C0008384

IN RE: 9 DOGS, 11 RABBITS, 43	§	IN JUSTICE COURT
HAMSTERS, 912 BIRDS AND 31	§	
FOWL	§	
	§	
SEIZED FROM	§	PRECINCT 6, POSITION 2
	§	
3412 AND 3414 BARBERS HILL RD,	§	
HIGHLANDS, HARRIS COUNTY, TEXAS	§	HARRIS COUNTY, TEXAS

**ORDER OF DISPOSITION**

On the 2nd day of August, 2010, came on for hearing the matter of the right to possess 9 DOGS, 11 RABBITS, 43 HAMSTERS, and 1,014 BIRDS removed on July 15, 2010 and seized on July 15, 2010, from 3412 AND 3414 BARBERS HILL RD, HIGHLANDS, Harris County, Texas. The animals were seized by Sgt. C. Kendrick Harris County Constable Precinct 1, pursuant to a Warrant for Seizure of Animals, issued by this Court on July 15, 2010, under TEX. HEALTH & SAFETY CODE ANN. § 821.022 (Vernon 1992).

The Court finds that the statutory requirement that the notice of this hearing be given to owners of the animals was satisfied by presenting a copy of the Warrant to Bertha Gracia at 3412 AND 3414 BARBERS HILL RD, HIGHLANDS, Texas on the property from which the animals were taken. Said Warrant contained the date, time, and place of the original hearing date, July 21, 2010.

The Court finds that JUAN GRACIA AND BERTHA GRACIA, dates of birth 4/7/57 and 8/5/58, respectively, Texas Driver License Nos. 09853119 and 11478753, respectively, are the owners of the 9 DOGS, 11 RABBITS, 43 HAMSTERS, and 1,014 BIRDS, which is the animal count as of July 16, 2010, at 5:30 a.m., seized from 3412 AND 3414 BARBERS HILL RD, HIGHLANDS, TEXAS. The Court finds that the animals were cruelly treated and not provided adequate food, water, housing and care by their owners.

The Court finds that the Houston SPCA has incurred expenses in the amount of \$18,166.00 for the boarding, veterinary care and exams, and medicine for the animals.

The Court further finds the HOUSTON SPCA currently has possession of the 9 DOGS, 11 RABBITS, 43 HAMSTERS, and 1,014 BIRDS seized on July 15, 2010, pursuant to the Warrant issued on July 15, 2010, upon evidence presented regarding the condition and treatment of the animals, the Court further finds that these animals have been cruelly treated by their owners, and the owners should therefore be divested of ownership of the animals at issue in this cause.

THEREFORE IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the 9 DOGS, 11 RABBITS, 43 HAMSTERS, and 1,014 BIRDS seized on July 15, 2010, from 3412 AND 3414 BARBERS HILL RD, HIGHLANDS, Harris County, Texas, and currently impounded at the shelter facility of the Houston SPCA in Houston, Texas, are hereby given to the Houston SPCA, a nonprofit animal shelter.

IT IS FURTHER ORDERED that JUAN GRACIA AND BERTHA GRACIA, the owners of the 9 DOGS, 11 RABBITS, 43 HAMSTERS, and 1,014 BIRDS seized from 3412 AND 3414 BARBERS HILL RD, HIGHLANDS, TEXAS, are to pay \$18,166.00 to the Houston SPCA for the food, boarding, and/or veterinary care of said animals. The amount due shall be made by check or money order payable to the HOUSTON SPCA within 30 days. All payments shall be sent to Houston SPCA, Attention: Charles Jantzen, 900 Portway Dr., Houston, Texas.

IT IS FURTHER ORDERED that appeal bond in this matter is set in the amount of \$44,200.00.

ANY RELIEF NOT SPECIFICALLY GRANTED HEREIN IS DENIED.

This 3 day of August, 2010.

  
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Judge Presiding